REMARKS

Claims 1-12, and 14-25 are pending. Applicant has amended claims 1, 5, 14, and 18. Applicant respectfully notes that claims 13 and 26 were cancelled in the previous response, but were not acknowledged in the present Office Action.

The Examiner has rejected the claims under 35 U.S.C. § 103(a) according to the following table:

Claims	References
1-2, 4-9, 12, 14-15, 17-22, and 25	Borella, Harris, and Scott
3, 16	Borella, Harris, Scott, and Anandakumar
10-11, 23-24	Borella, Harris, Scott, and Orleth
13, 26 (both previously cancelled)	Borella, Harris, Scott, and Schuster

Although Applicant disagrees, Applicant has amended the claims to make it clear that the audio data is played back when each of two conditions (i.e., predetermined threshold amount reached and end of a burst) is detected. The Examiner recognizes that Borella does not disclose "playing the audio data contained in the buffer either when the buffer contents have reached said predetermined threshold, or when a burst has ended." (Office Action, Aug. 3, 2005, p. 3.) The Examiner relies on Harris as teaching such playing of audio data. The Examiner points to a section of Harris that describes conveying stored data to a user when a jitter buffer, which stores a predetermined amount of data, is full. (Harris, 1:40-48.) The Examiner recognizes that Harris does not teach the "when a burst has ended" language of the claims, but apparently believes that this limitation can be ignored because of the "or" language of the claim. The amended claims make it clear that audio data is played back when the buffer contains a threshold amount of data and that audio data is also played back when the end of a burst has been detected. Applicant believes that this amendment addresses the Examiner's concern about being "written in the alternative." (Office Action, p. 3.)

In addition to Borella and Harris not teaching or suggesting playing back audio data when these two conditions are detected, Scott also does not provide any such teaching or

suggestion. Scott describes a system for managing jitter in which the receiver receives both voice and silence packets from the sender. The system in Scott attempts to maintain a target jitter buffer size by either inserting a new silence packet if the jitter buffer is too small, or discarding a received silence packet if the buffer is too large. Figures 10 and 13 of Scott demonstrate this system. While Figure 13 of Scott labels the beginning of two bursts, Scott does not disclose any method which either detects the end of a burst or uses such information as a cue to begin playing back audio data in the buffer. Rather, Scott is always playing back audio data from the jitter buffer, "[t]he advantages of the present invention are provided by the ability of the jitter buffer manager 320 to maintain jitter buffer 330 in such a way that the outputted traffic is continuous." (Scott, 7:66- 8:2.)

The amended claims thus recite a novel and nonobvious combination of elements that is neither taught nor suggested by the combination of Borella, Harris, and Scott.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration of the present application and its early allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268890US from which the undersigned is authorized to draw.

Dated: 10/12/05

Respectfully submitted,

By _____

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